

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

SHEILA DAUN JARRETT,

Petitioner,

v.

CIVIL ACTION NO. 2:21-cv-00028
(Criminal No. 2:19-cr-00186)

UNITED STATES OF AMERICA,

Respondent.

MEMORANDUM OPINION AND ORDER

On January 12, 2021, the Petitioner, proceeding *pro se*, filed his Motion to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody pursuant to 28 U.S.C. § 2255 (Document 47). By *Standing Order* (Document 49) entered on January 15, 2021, the matter was referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636.

On January 24, 2022, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 55) wherein it is recommended that this Court deny the Petitioner's § 2555 motion, dismiss the matter with prejudice, and remove the matter from the Court's docket.

Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by February 10, 2022.¹

Neither party has timely filed objections to the Magistrate Judge's *Proposed Findings and Recommendation*. The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and the Petitioner's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984).

Accordingly, the Court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge as contained in the *Proposed Findings and Recommendation*, and **ORDERS** that the Petitioner's Motion to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody pursuant to 28 U.S.C. § 2255 (Document 47) be **DENIED** and that this matter be **DISMISSED** with prejudice and **REMOVED** from the Court's docket.

The Court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge Eifert, counsel of record, and any unrepresented party.

ENTER: February 28, 2022


IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA

¹The docket reflects that the *Proposed Findings and Recommendation* mailed to the Petitioner was returned as undeliverable on February 7, 2022, and re-mailed to a different address on that date. As of February 28, 2022, no objections have been filed.